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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/752,043	12/29/2000	John E. Schier	062891.0497	9020

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EXAMINER

ABEBE, DANIEL DEMELASH

ART UNIT	PAPER NUMBER
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2655

DATE MAILED: 01/07/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/752,043	Applicant(s) SCHIER ET AL.	
	Examiner Daniel D Abebe	Art Unit 2655	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-23 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____. |

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 1-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Matthews et al. (4,757,525), in view of Gammel et al. (5,752,231).

As to claim 1, Matthews teaches a method (Fig.3) in a Voice Message System, the method comprising the steps of:

means for associating in said digital memory means with each identification code a plurality of speaker independent voice templates, each speaker independent template including an associated set of values representative of the characteristic features (voice verification template) of the audio signal produced by speaking one of a plurality of command words

first means for receiving from a telephone station of the system voice commands of a user attempting access,

first comparing means for comparing said received spoken voice commands with the speaker independent digital templates, (where the S.I. templates are retrieved through user ID),

means for allowing access to the system by the user attempting access to the system when the received spoken voice commands compare true with a stored

one of the speaker independent digital templates and the associated voice characteristics feature (Col.106, lines 25-35; Col.107, lines 3-7).

"The program stores both generic (speaker independent) and speaker dependent voice templates; and, for the latter, sets of allowable voice feature variations (voice verification template) for each user in direct association with that user's identification code. When the system is called upon by a user to allow access for deposit or receipt of a message the Speech Recognition program 875 first controls loading of the stored generic templates from disk into memory of the voice processing module; extraction of the characteristic features of each command word digit spoken by the user seeking access; comparison of each digit to the legal set of stored templates; recognition of the spoken digits; and (tentative) allowance or denial of access based upon the digits entered. When an authorized user is allowed access, the program 875 controls loading of that user's speaker dependent voice command word template and allowable variation set from disk into memory of the voice processing board, and recognition of each command word spoken by the user to enable control of the system by means of voice commands" (Col.44, lines 33-64).

Matthews teaches where passwords (different from the user ID code) are only entered under certain circumstances (Col.69, lines 30-42) and according to Gammel (Fig.3; Col.3, lines 30-35 where an utterance (command) is matched with voice data), it would have been obvious to require the entry of the password in Matthews teaching, if and when verification has failed in order to avoid erroneous denial of access to the user.

As to claims 2-3, Matthew teaches creating speaker dependent model where verification templates are generated and stored (Col.44, lines 41-45).

As to claims 4-7, Official Notice is taken that, after requesting the user to enter the password, updating the voice templates of the user is well known and will be obvious in Gammels' teaching for future use.

Claims 8-23, reciting the corresponding program and apparatus are analogous to claims 1-7 and are rejected by Matthews in view of Gammel for the foregoing reasons.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Rabin (6,081,782), teaches where voice verification patterns are the voice commands spoken by the user, avoiding a separate entry of passwords and commands (Fig.5).

Response to Arguments

Applicant's arguments with respect to claims 1-23 have been considered but are moot in view of the new ground(s) of rejection.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daniel D Abebe whose telephone number is 703-308-5543. The examiner can normally be reached on monday-friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Doris To can be reached on 703-305-4827. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Daniel Abebe, Primary Examiner A.U. 2655

A handwritten signature in black ink, appearing to read 'Daniel Abebe', with a stylized, flowing script.

December 28, 2004